

The Honorable Franklin D. Burgess

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AT&T CORP and  
ALASCOM, INC. d/b/a  
AT&T Alascom, Inc.,

Plaintiffs,

v.

DONALD J. SCHROEDER,  
DAVID W. WALKER, and  
TERRY A. GUNSEL,

Defendants.

No. CV-04-5709 FDB

**STIPULATED ORDER (1)  
MODIFYING BRIEFING SCHEDULE  
ON PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT; (2)  
CHANGING NOTING DATE FOR  
DEFENDANTS' MOTION TO  
DISMISS; AND (3) WITHDRAWING  
DEFENDANTS' MOTION TO STAY  
FURTHER BRIEFING ON  
PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT,  
OR, IN THE ALTERNATIVE, TO  
EXTEND THE DEADLINE FOR  
RESPONSE**

WHEREAS, the parties hereto have met and conferred concerning three pending motions and have reached agreement intended to further the interests of efficiency and judicial economy.

NOW, THEREFORE, the parties hereby stipulate, and the Court so orders, as follows:

1           1.       Defendants' Motion To Stay Further Briefing On Plaintiffs' Motion For  
2 Partial Summary Judgment, Or, In The Alternative, To Extend The Deadline For The  
3 Response, filed on June 1, 2005 (Docket No. 41) is hereby withdrawn.

4           2.       Defendants' Motion To Dismiss Plaintiffs' Complaint, filed on March 14,  
5 2005, currently noted for consideration on June 10, 2005 (Docket No. 14), shall be noticed  
6 for consideration on August 19, 2005, on the same date as Plaintiffs' Motion For Partial  
7 Summary Judgment addressed below (and, if there is any subsequent change in the noting  
8 date for Plaintiffs' Motion For Partial Summary Judgment, then the date for Defendants'  
9 Motion To Dismiss shall be changed accordingly so that the two motions will be noted for  
10 consideration on the same date).

11           3.       The briefing schedule for Plaintiffs' Motion For Partial Summary Judgment  
12 filed on May 26, 2005 (Docket No. 38), shall be as follows:  
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- 14           a.       The motion shall be noted for consideration on August 19, 2005;  
15           b.       Defendants' papers in opposition, if any, shall be served and filed no  
16 later than July 15, 2005; and  
17           c.       Plaintiffs' reply papers, if any, shall be served and filed no later than  
18 August 12, 2005.  
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20           4.       The parties' Joint Status Report and Discovery Plan filed on May 27, 2005  
21 (Docket No. 40), which tentatively contemplates an exchange of initial disclosures on  
22 August 1, 2005, and commencement of discovery on that date based upon the explicit  
23 assumption that Defendants' Motion To Dismiss will be decided by the end of July, is  
24 hereby amended to provide for commencement of discovery and an exchange of initial  
25 disclosures on October 1, 2005, in light of the briefing schedule provided herein.  
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1 PRESENTED this 6<sup>th</sup> day of June, 2005.

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1 IT IS SO ORDERED.

2 DATED this 7th day of June 2005

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6 FRANKLIN D. BURGESS  
7 UNITED STATES DISTRICT JUDGE  
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